

REMARKS

Claims 1-15 are pending in this application. By this Amendment, Fig. 12 is replaced pursuant to the attached drawing sheet, and claims 1-3, 6, 10, 11, and 13 are amended. Fig. 12 is replaced to correct an informality of "FA" replaced with --FN--. Claims 1 and 11 are amended to recite features supported in the specification at, for example, paragraphs [0051], [0055], [0057] and Fig. 11. Claims 2, 3, 6, 10 and 13 are rewritten into independent form. No new matter is added by any of these amendments.

Applicants appreciate the courtesies extended to Applicants' representative by Examiners Dicht and Shah during the September 8, 2005 personal interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicants' record of the interview.

Applicants gratefully acknowledge that the Office Action indicates that claims 2-4, 6, 10 and 13 contain allowable subject matter. As such, Applicants rewrite claims 2, 3, 6, 10 and 13 into independent form to incorporate features from the independent claim and intervening claims from which they depend. However, Applicants also assert that claims 1, 5, 7-9, 11, 12, 14 and 15 are also allowable for the reasons discussed below.

Reconsideration of the application is respectfully requested.

The Office Action rejects claims 1, 5, 7-9, 11, 12, 14 and 15 under 35 U.S.C. §102(b) over U.S. Patent No. 6,447,084 to Uetsuki et al. (Uetsuki). This rejection is respectfully traversed.

As discussed during the interview, Applicants assert that Uetsuki does not teach or suggest a method for controllably refilling a fluid ejector having a refillable container usable to contain fluid, the fluid ejector ejecting fluid from the refillable container in response to ejection data contained in an ejection job, the method comprising determining a first number of fluid ejection events remaining in the refillable container until the refillable container is to

be refilled; determining a second number of fluid ejection events needed to complete the ejection job; refilling the refillable container if either a first condition or a second condition is satisfied; and calibrating a fluid quantity corresponding to a fluid ejection event based on a third number of fluid ejection events between the refillable container being filled and the refillable container when the either of the first or second condition is satisfied, wherein the first condition is satisfied when the determined second number of fluid ejection events is greater than the determined first number of fluid ejection events, and the second condition is satisfied when the first number of fluid ejection events is at most zero, as recited in claim 1 and similarly recited for a fluid refill control system in claim 11.

Uetsuki discloses an ink supplying apparatus. In particular, Uetsuki teaches a printing device portion 2 having a reserve ink tank 20 and means for detecting a level 41b of ink. Uetsuki further teaches judging the remaining amount in the reserve ink tank 20 and refilling ink to the amount sufficient to complete the printing movement or else until the tank is completely filled (col. 11, lines 5-11, col. 12, lines 26-37, col. 13, lines 24-33, 44-56 and Figs. 2, 10 and 15 of Uetsuki). Applicants respectfully assert that Uetsuki fails to teach or suggest calibrating a fluid quantity corresponding to a fluid ejection event based on the fluid ejection events between filled and exhausted levels of the refillable container.

A claim must be literally disclosed for a proper rejection under §102. This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (MPEP §2131). Applicants assert that the Office Action fails to satisfy this requirement with Uetsuki.

For at least these reasons, Applicants respectfully assert that the independent claims are patentable over the applied reference. The dependent claims are likewise patentable over the applied reference for at least the reasons discussed, as well as for the additional features

they recite. Consequently, all the claims are in condition for allowance. Thus, Applicants respectfully request that the rejection under 35 U.S.C. §102 be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Attachments:

Amendment Transmittal
Replacement Drawing Sheets Fig. 12

Date: October 27, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0641</p>

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 12. This sheet, which includes Fig. 12, replaces the original sheet including Fig. 12.

Attachment: Replacement Sheet: Fig. 12